



ENVIRONMENTAL & REGULATORY SERVICES DIVISION
BUREAU OF PECFA
P.O. Box 8044
Madison, Wisconsin 53708-8044
TDD #: (608) 264-8777

Jim Doyle, Governor
Jack L. Fischer, A.I.A., Secretary

Wisconsin Department of Commerce, Bureau of PECFA Bid Document

SECTION 1 - Scope of Work

The Bureau of PECFA is seeking competitive bids to perform remedial services for a petroleum release from a regulated petroleum product storage tank system. This bid is for a specified work scope. The site upon which bids are being solicited is:

Bid Round: 54
Comm #: 53589-2128-04-A
BRRTS #: 03-13-151943
Site Name: Denny's Service Center
Site Address: 304 W Main St, Stoughton, 53589
Site Manager: Randy Maass
Address: 3911 Fish Hatchery Rd
City, State Zip: Fitchburg, WI 53711-5367
Phone: 608-275-3224
e-mail: randall.maass@wisconsin.gov
Bid Manager: Ralph N. Smith
Address: P.O. Box 8044
City, State Zip: Madison, Wisconsin 53708-8044
Phone: (608) 261-6543
e-mail: ralph.smith@Wisconsin.Gov

Bid-Start Date:	April 07, 2008
Questions must be received by (See Section 2 (B)):	April 21, 2008 4:00 PM
Responses will be posted by (See Section 2 (B)):	May 09, 2008
Bid-End Date and Time:	May 23, 2008 4:00 PM

The case file, including report(s) and other pertinent information upon which bids are being sought, are available for review at the Site Manager's location listed above. Please contact the Site Manager for an appointment to review the file.

Copies of report(s) and other pertinent information are available for purchase at the location listed below. If pertinent information is not available, please contact the Site Manager.

Ivize-Madison, 1 E Main, Madison, WI 53703
Phone: (608) 663-1041 Fax: (608) 663-1045

SECTION 2 – Site-Specific Bid Requirements

1) General Comments:

The site has been operated as a gas station and automobile service center since at least 1960. Three underground storage tanks and associated piping and dispensers were removed in April 1989. Three new tanks (6,000 and 8,000 gallon unleaded gasoline and 6,000 gallon diesel fuel) and associated piping and dispensers were installed in approximately the same locations. In May 1997, soil contamination was discovered in a boring on the south side of the tank bed. A site investigation was conducted from August 1997 to March 2007. The site investigation includes 8 soil borings, 3 on-site monitoring wells and 4 off-site monitoring wells.

Soil is silty sand to 15.5 feet below ground surface (bgs), locally overlain by up to 6 feet of sand fill, or clayey silt, or sandy silt. Bedrock was not encountered during drilling. Groundwater has been at 3.5 to 4.5 feet bgs at MW-2 in the source area. Groundwater flow direction is to the east or east-southeast, with a horizontal gradient of 0.03. Average hydraulic conductivity is 9.83×10^{-5} cm/sec. MTBE in groundwater was present at concentrations of up to 682 ppb in 2006 at MW-7, which is located approximately 370 feet east of the site and approximately 30 feet west of the Yahara River. The data suggest that MTBE from the site is currently discharging into the Yahara River. There are no public wells within 1,200 feet of the site and no private wells within 100 feet of the site.

Soil contamination exceeding NR 746 Table 1 and Table 2 values is present at GP-3 at 4-6 ft bgs, at GP-6 at 1-3 and 4-6 ft bgs, and at GP-7 at 0-2 ft bgs (GP-7 was not sampled below 2 ft bgs). Soil contamination exceeding NR 720 generic Residual Contaminant Levels (RCL) is present at GP-4, GP-8, GP-9, and GP-10. Free product, up to 0.75 feet thick, has been present intermittently at MW-2 from July 11, 2001 to December 20, 2006 and may still be present. Free product, 0.01 feet thick, was present at MW-1 on September 6, 2006. Groundwater contamination above NR 140 Enforcement Standards is present at on-site MW-1 and MW-2, and at off-site MW-5, MW-6, and MW-7. One or more petroleum compounds exhibit increasing trends in groundwater at MW-1, MW-2, MW-5, and MW-6.

Groundwater contamination from upgradient adjacent property Speedway #2068 site (Commerce #53589-2128-14; BRRS #03-13-002716) at 314 W. Main Street may be impacting MW-1 and MW-2 at Denny's Service. Site data for Speedway #2068 are available on the GIS Registry at <http://dnr.wi.gov/org/aw/rr/gis/index.htm>.

2) Minimum Remedial Requirements:

1. Conduct an excavation in the area of GP-3, GP-6, GP-7, and MW-2. The area of the excavation is shown on one of the two accompanying maps. The excavation shall extend to within 3 feet of the USTs, the piping lines, and the sidewalk. The underground electric line shown on the map of the excavation area is reportedly permanently out of service and will not interfere with the excavation (the winning bidder shall verify this with Digger's Hotline and Utility location service providers). The excavation shall be 48 feet long and 26 feet wide, except in the area of a northeast trending piping line in the northwest corner of the area of excavation. The depth of the excavation shall be 6 feet. Total soil removed from the excavation shall be 430 tons. There is a water line extending from Page Street to the southeast corner of the site building (see map of utility lines). The sewer line for the site is thought to be located near the water line and parallel to the water line (if information regarding the location of the sewer line becomes available in time, it will be posted in the "Questions and Answers" part of the bid). There may be old clay pipe sewer lines running from the intersection of Main Street and Page Street to the site building. The water lines shall be shored during the excavation. The old sewer lines may either be shored or replaced – depending on the cost estimates provided in this bid specification. DNR & Commerce will determine which option is most practical given the circumstances – a compliant bid shall provide a cost estimate for both shoring and sewer line replacement as contingency cost items for further review. If conditions warrant, the excavation may be extended to the south in an area 13 feet by 26 feet as shown on the map, removing 120 tons of soil (this area shall be considered-as a contingency item in the bid). An appropriate number of soil confirmation samples shall be collected from the excavation and analyzed for petroleum volatile organic compounds (PVOCs) plus naphthalene.
2. MW-2 shall be abandoned before the excavation and replaced at approximately the same location after the excavation. Following installation, the replacement well, MW-2R, shall be developed and resurveyed.
3. Concrete removal and replacement and sub-grade replacement will be a PECFA-eligible activity per Comm 47. Therefore, this bid project will include costs to repair the concrete and sub-grade after the remedial excavation to pre-excavation conditions as much as possible. The tanks and fuel delivery system were replaced in April, 1989. Therefore, depreciation of the cement is to be taken into account and PECFA will reimburse only up to 50% of the material, labor, and handling costs to replace the cement. The cement estimate assumes the cement is to be 4 inches thick, and 48 feet long by 26 feet wide (1248 square feet area), and if more cement is necessary, that will be replaced per the contingency unit rate (commodity costs only) and includes per diem and mileage. The back fill materials are to be less permeable than the in-situ loamy sand soil (SM) classified using the Unified Soil Classification System (USCS) - in order to prevent the bathtub effect in the proposed excavation area.
4. No sooner than 30 days after the excavation, quarterly groundwater monitoring for PVOCs plus naphthalene shall be conducted at MW-1, MW-2R, MW-5, MW-6, and MW-7 for one year. Groundwater analysis for PVOCs plus naphthalene shall be conducted during the final quarterly sampling round at MW-3 and MW-4.

Measurement of groundwater elevation shall be conducted quarterly at all monitoring wells. Thickness of free product, if present at any of the monitoring wells, shall be measured during quarterly sampling events.

5. A report documenting the excavation results shall be submitted within 60 days following completion of this action. Site reports shall contain an updated site map showing the area of the excavation and confirmation sample locations, a table of soil confirmation sample results, and an updated table containing all historical groundwater data.

6. Reporting requirements per Comm 47.70 are part of this bid work scope. Submit a cost estimate for this activity with the bid response.

Contingency Costs

- The cost to fulfill *all* landfill requirements for waste characterization analysis prior to soil disposal must be included. Be aware that Toxicity Characteristic Leaching Potential (TCLP) documentation and sampling requirements vary depending on the landfill. Therefore, bidders must include a line-item cost for TCLP sample collection and analysis, to be used if required.
- Contingency unit rate (\$/ton) for commodity costs only to remove and dispose of additional contaminated soil – includes clean backfill, compaction, and hauling.
- Additional confirmation soil sampling for PVOCs plus naphthalene for contingency excavation, including consultant costs, as needed.
- Contingency unit rate (\$/square foot) (commodity costs only) in the event more or less concrete is replaced (up to 50% replacement value with depreciation taken into account). Assume 13 feet by 26 feet area, and it includes mileage and per diem.
- Contingency unit rate (lump sum) for one additional round of groundwater monitoring at MW-1, MW-2R, MW-5, MW-6, and MW-7, and includes per diem and mileage.
- Contingency costs for additional shoring of water utility lines, if needed (lump sum).
- Contingency costs for additional shoring of old clay pipe sewer lines, if needed (lump sum).

- Contingency costs (lump sum) for removal of old clay pipe sewer lateral and replacement of said sewer lateral with a modern conventional sewer lateral, if needed (includes time and materials, per diem, and mob/demob).
- Contingency costs to properly dispose of free product, if encountered (includes mob/demob).

SECTION 3 - Reporting Timeframes

Within *60 days* of the Commerce notification of the maximum reimbursement amount, the responsible party (RP) must execute a written contract with one of the firms that submitted a bid. Failure to execute the written contract within this time will result in ineligibility of interest expenses incurred from the date of the reimbursement cap letter until a contract is executed and work commences at the site. Work must commence within *45 days* of signing a contract. There are specific reporting requirements in Comm 47.70 to monitor the progress of activities at each bid site and there may be additional reporting requirements outlined above. The consulting firm that is contracted to complete the scope of work is required to report the progress of this site to Commerce electronically on the web site at each of the following points:

1. Within fourteen days of executing or terminating a contract with the RP.
2. Three months after entering into the contract with the RP.
3. Twelve months after beginning the work in the successful bid, unless the project is completed before that time (point 6 applies).
4. Twelve months after submitting the previous report (point 3), unless the project is completed before that time (point 6 applies).
5. No later than 10 days after encountering a change in circumstances (the list of circumstances is in Comm 47.70 (3)).
6. No later than 30 days after completing the work.
7. As directed by Commerce.

If Commerce determines that the consulting firm is failing to make adequate progress to complete the scope of work, Commerce will notify the RP and may reduce the reimbursement to accurately reflect the work completed.

Claim Submittal

A claim must be submitted to Commerce within 120 days of submitting the report described in *Reporting Timeframe, point #6*. If a claim is not submitted by the deadline described above, interest costs from the date the report (point #6) is submitted to the date the claim is received will not be reimbursed to the claimant. The claim preparation cost must be included in the Total Bid Amount and is considered within the reimbursement cap.

Questions and Answers

Questions, answers and interpretations will be considered an amendment of this solicitation. All questions must be submitted in writing (fax and electronic mail submittals are acceptable) to the Bid Manager identified in Section 1 of this solicitation. All answers and interpretations shall be in writing from the Bid Manager. Neither the PECFA program nor Commerce shall be legally bound by any amendments or interpretations that are not in writing. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid End Date. No further questions will be addressed after the deadline for submitting questions identified in Section 1.

SECTION 4 - Conditions of Bid

The successful bidder will be the entity that complies with all provisions of the bid and provides the lowest total cost, excluding interest, for the site-specific bid requirements described in Section 2. In preparing the bid, the bidder must assume compliance with all applicable codes, including, but not limited to, §Comm 46, §Comm 47, and §NR 700 Wis. Admin. Codes.

The bid Commerce selects to determine the least costly method of remedial action will be the least costly qualified bid. Commerce will rank the bids solely on the basis of cost. Evaluation of bids will continue until the least costly qualified bid is identified. Submittals from an individual or firm during their period of disqualification from bidding, submittals received late and for submittals without a certified commitment (performance assurance and/or signature) will not be considered as bids. Commerce may disqualify a bid for the following reasons:

- Requirements of the bid specifications have not been met.
- The remedial strategy is not appropriate to the geologic setting.
- A Total Bid Amount is insufficient to fund the activities described in the bid specifications.

Commerce reserves the right to reject any and all bids.

Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the agency with jurisdiction (Natural Resources or Commerce).

The bidder Commerce intends to select may be required to provide input to and attend a meeting with the PECFA program and the claimant to explain the bid and remedial approach.

If a bid is disqualified, Commerce will provide written notification to any individual or firm that submitted a disqualified bid. The notification shall specify the reasons for the disqualification, and inform the individual or firm of their right to protest or appeal the decision. If a bid is more costly than the bid Commerce intends to select, the bid will not be reviewed.

The *Notice of Intent* will identify the least costly bid, disqualified bid(s) and bid(s) not reviewed. The *Notice of Intent* will be sent to the RP and will be posted on PECFA's Internet Web site.

SECTION 5 - Instructions to Bidders

Between the bid start and end dates, bidders shall not discuss or attempt to negotiate any aspects of the bid with the RP, other potential bidders or program staff without prior approval of the Bid Manager identified in Section 1. Infractions will result in rejection of the violator's bid and may result in a formal complaint being filed with the Department of Regulation and Licensing.

If access to the site is necessary for the preparation of a bid, access shall be arranged through the Bid Manager. If the Bid Manager is not able to arrange site access, this will not delay the bid process nor negate the comparison and selection from among the bids submitted. All costs associated with a site visit or preparation of a bid will be the bidder's responsibility.

The Bidding Process must conform to the following:

1. The Bid Response shall address all the site-specific bid requirements identified in Section 2.
2. The total bid amount to accomplish the stated goal must include all fees, reporting costs, pre- and post-closure costs and costs for establishing restrictions or institutional controls, when applicable (interest costs are excluded).
3. The submittal must include a copy of the Bid Response document signed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin. The appropriate registration number of the professional license must be included. Registration requirements are listed in Comm 5.
4. Bids *cannot* be faxed or sent electronically (email) to the program. Documents received by fax or email will not be considered.
5. Bids, amendments thereto or withdrawal requests must be received by 4 pm on the bid end date.
6. The consulting firm's name must be included and all pages of the Bid Response.
7. All costs must be printed (ink, typewritten or computer). Errors must be crossed out, corrections entered and initialed by the person signing the bid. Correction fluid is not allowed. No bid shall be altered or amended after the time specified for the bid end date.
8. Each bidder shall fully acquaint themselves with conditions relating to the scope and restrictions attending to the execution of the work under the conditions of this bid. The failure of a bidder to acquaint themselves with existing documented conditions shall in no way relieve any obligation with respect to this bid.
9. All amendments to and interpretations of this bid shall be in writing from the Bid Manager. Neither Commerce nor the program shall be legally bound by any amendment or interpretation that is not in writing.
10. This bid is intended to promote competition. If the language, specifications, terms and conditions, or any combination thereof restricts or limits the requirements in this bid to a single source, it shall be the responsibility of the interested bidders to notify the program in writing so as to be received five days prior to the opening date. The bid may or may not be changed; however a review of such notification will be made prior to award.

SECTION 6 - Bidder Disqualification

Commerce may disqualify from public bidding any individual or firm that has committed any of the following (Comm 47.67 (1) (a)):

1. Failed to complete the scope of work within the reimbursement cost cap established through public bidding.
2. Failed to complete the scope of work in a bid in a timely manner.
3. Failed to follow DNR rules on the bid project.
4. Received one or more notices from Commerce under s. Comm 47.62 (2) that assess the financial management of an investigation as unacceptable.
5. In any prior occurrence that has been publicly bid, failed to do either of the following:
 - a. Pay subcontractors after receiving payment for them.
 - b. Obtain lien waivers on or before the date of the final payment by the RP or the PECFA program, from all subcontractors paid under subd. 5. a.
6. Failed to execute a contract with the RP as required in s. Comm 47.69 (1).
7. Failed to commence work within 45 days after executing a contract, as required in s. Comm 47.69 (3).

Commerce may disqualify any individual or firm from performing further work on a project if the individual or firm has not completed any of the six reporting points required in Comm 47.70 and outlined in Section 2 of this bid document. Commerce will review and address the issue as stated in Comm 47.70 (4).

BID RESPONSE

(1st Page)

Department of Commerce PECFA Program

SITE NAME: Denny's Service Center

COMMERCE #: 53589-2128-04

BRRTS #: 03-13-151943

Submit Bid Response To: Cathy Voges
Public Bid Response
Department of Commerce PECFA Bureau
201 W Washington Ave, Madison WI 53703-2760 or
PO Box 8044, Madison WI 53708-8044

Consulting Firm Name: _____

Complete Mailing _____

Address: _____

Telephone: () - _____

Fax Number: () - _____

E-mail Address: _____

Bidder (check one that applies):

<input type="checkbox"/>	Professional Engineer	License #	_____
<input type="checkbox"/>	Professional Geologist	License #	_____
<input type="checkbox"/>	Hydrologist	License #	_____
<input type="checkbox"/>	Soil Scientist	License #	_____

Total Bid Amount: \$ _____

Print Name: _____

Title: _____

I certify that I have the authority to commit my organization or firm to the performance of the bid I have submitted.

Signature: _____

Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04(1)(m)].

BID RESPONSE

(2nd Page)

Department of Commerce PECFA Program

SITE NAME: Denny's Service Center

COMMERCE #: 53589-2128-04

BRRTS #: 03-13-151943

Consulting Firm Name: _____

A bid will be considered non-compliant if the bid response does not include a separate tabulation of costs for each activity.

1	Excavation and disposal of 430 tons of soil (including backfill, hauling, and compaction) and analyses of confirmation soil samples per Paragraph 1.	\$
2	Abandonment, replacement, development, and surveying of MW-2 (MW-2R) per Paragraph 2.	\$
3	Concrete removal and replacement, sub-grade replacement. PECFA will only reimburse up to 50% of the material, labor, and handling costs to replace the concrete – due to depreciation. Estimate is for 48 feet long by 26 feet wide (1248 square feet area) – 4 inches thick. Back fill materials are to be clean and less permeable than the in-situ loamy sand soil (SM) – to prevent bathtub effect in excavation area per Paragraph 3.	\$
4	Quarterly groundwater monitoring for period of one year for five wells (& includes MW-3 and MW-4 in last sample round) per Paragraph 4.	\$
5	Remedial excavation report and reporting requirements per Paragraph 5.	\$
6	Reporting requirements per Comm 47.70 per Paragraph 6.	\$
7	PECFA Claim Preparation	\$
8	Total Bid Amount	\$

Contingency costs are to be submitted on the next page.

CONTINGENCY COSTS**(Will be Approved and Added to the Bid Cap as Needed)**

•	Collection and Analysis of TCLP Soil Samples for Landfill Disposal	\$	
•	Contingency unit rate (\$/ton) for commodity costs only to remove & dispose of additional contaminated soil – includes clean backfill, compaction, and hauling.	\$/ton	
•	Additional confirmation soil sampling for PVOs plus naphthalene for contingency excavation, including consulting costs, as needed.	\$	
•	Contingency unit rate (\$/square foot) (commodity costs only) in the event more or less concrete is replaced (up to 50% replacement value with depreciation taken into account). Assume 13 by 26 foot area, and it includes mileage and per diem.	\$/foot ²	
•	Contingency unit rate (lump sum) for one additional round of groundwater monitoring at MW-1, MW-2R, MW-5, MW-6, and MW-7, and includes per diem and mileage.	\$	
•	Contingency costs for additional shoring of water utility lines, if needed (lump sum).	\$	
•	Contingency costs for additional shoring of old clay pipe sewer lines, if needed (lump sum).	\$	
•	Contingency costs (lump sum) for removal of old clay pipe sewer lateral and replacement of said sewer lateral with a modern conventional sewer lateral, if needed (includes time and materials, per diem, and mob/demob).	\$	
•	Contingency costs to properly dispose of free product (LNAPL), if encountered, and includes mob/demob.	\$	

BID RESPONSE

(3rd Page)

Department of Commerce PECFA Program

SITE NAME: Denny's Service Center

COMMERCE #: 53589-2128-04

BRRTS #: 03-13-151943

Consulting Firm Name: _____

This response must address all of the site-specific requirements identified in Section 2, and shall support in detail the remedial strategy. Attach additional pages if necessary. *The Commerce Number and Consulting Firm name must be included on all additional pages.* The pages of each Bid Response must be *stapled* together. No paper clips or spiral bindings please.